

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
 ) Case No. 1:13-cr-51-HSM-SKL  
v. )  
 )  
 )  
 )  
DAVID MATHEW HILLARD )

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count Three of the three-count Superseding Indictment; (2) accept Defendant's plea of guilty to Count Three of the Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count Three of the Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 37].

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 37] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Three of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count Three of the Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Three of the Superseding Indictment;

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;  
and  
(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is  
scheduled to take place on **Monday, June 9, 2014 at 9:00 a.m. [EASTERN]** before  
the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

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*/s/Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE